

TITLE 8: DEVELOPMENT CODE
DIVISION 1: GENERAL PROVISIONS
CHAPTER 1: GENERAL AUTHORITY.
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81.0101 Citation.

This Title shall be known as the "Development Code of the County of San Bernardino" or as the "Development Code."

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0110 Authority for Regulations.

The Development Code is adopted pursuant to the following authority:

- (a) Local Ordinances and Regulations, California Constitution, Article XI, Section 7.
- (b) Planning and Zoning Law, California Government Code, Title 7.
- (c) Surface Mining and Reclamation Act of 1975, California Public Resources Code, Division 2, Chapter 9.
- (d) California Environmental Quality Act, California Public Resources Code, Division 13.
- (e) Mobilehome Parks Act, California Health and Safety Code, Division 13, Part 2.1.
- (f) Airport Approaches Zoning Law, California Government Code, Title 5, Division 1, Part 1, Chapter 2, Article 6.5.
- (g) Forest Practice Act of 1973, California Public Resources Code, Division 4, Part 2, Chapter 8.
- (h) California Desert Native Plant Act, California Food and Agriculture Code, Division 23 (Section 80001 et.seq.).

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0115 Consistency with General Plan.

All of the provisions of the Development Code as well as any land use authorized by the Development Code, shall be consistent with the San Bernardino County General Plan.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0120 Minimum Requirements.

The provisions of the Development Code constitute minimum requirements. The County of San Bernardino may establish more stringent requirements where they are deemed necessary.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0125 Interpretation.

Unless otherwise provided, any ambiguity concerning the content or application of the Development Code shall be resolved by the Planning Agency.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0130 Effect on Other Regulations, Easements, Etc.

Where the Development Code imposes a greater restriction upon the use of building or land, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of the Development Code shall control.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0135 Permits and Licenses.

No County-issued licenses or permits shall be issued for uses or buildings or purposes where the same would be in conflict with the provisions of the Development Code or the County General Plan. Any such license or permit, if issued in conflict with the provisions hereof shall be null and void and shall not support any claim to a vested right to develop.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0140 Validity.

If any section, subsection, sentence, clause, phrase or portion of the Development Code is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Code. The Board of Supervisors hereby declares that it would have adopted the Development Code and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0145 Adoption of Official Land Use Plan.

An Official Land Use Plan for the unincorporated area of the County of San Bernardino, State of California, is hereby adopted and established as is hereafter set forth in this Title, to promote, protect and secure the public health, safety and general welfare; to provide the social and economic advantages resulting from an orderly, planned use of land resources, and to encourage, guide and provide a definite plan for the future growth and development of the said County.

It is recognized that the Official Land Use Plan referred to herein must be periodically reviewed, refined, and maintained, and the Board of Supervisors, in conformity with the State Planning and Zoning Law as amended, and the provisions of this Title, hereby delegates to the Planning Agency of San Bernardino County, the responsibility for conducting necessary studies, surveys and preparing of maps in order to develop detailed land use plans, and the responsibility for processing changes of land use districts for adoption by the Board of Supervisors for the various portions of the unincorporated territory of San Bernardino County as it becomes desirable, practical and practicable so that the result shall be a comprehensive land use plan for the County.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0150 Legal Defense Fee Responsibility.

(a) As a condition of approval of a Land Use application the applicant shall agree to defend, indemnify, and hold harmless the County or its agents, officers and employees from any claim, action, or proceeding against the County or its agents, officers or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of such approval when such action is brought within the applicable statute of limitations.

(b) Any condition of approval imposed pursuant to the provisions of this section shall include a requirement that the County promptly notify the applicant of any claim, action, or proceeding and that the County cooperate fully in the defense. If the county fails to promptly notify the applicant of any claim, action or proceeding, or if the County fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold the County harmless.

(c) If any provision of this section is found invalid by a court of law the remaining provisions of this section shall remain in full force and effect.

Readopted Ordinance 3341 (1989); Amended Ordinance 3425 (1990)

81.0195 Transition Provisions - 1989 General Plan.

The following rules modify the provisions of this Title in order to facilitate an orderly transition during the implementation of the revisions to the General Plan adopted in June, 1989.

(a) Land use applications other than land use district changes or General Plan Amendments which were (1) approved prior to June 9, 1989, (2) found to be consistent with the then existing General Plan at the time of their approval, and (3) have not expired, shall not be subject to the requirement that the use or uses approved in that permit be allowed in the currently applicable land use district or that the use or uses meet the currently applicable development standards contained in this Title in order to be granted a building permit or other development permit to establish those approved uses. Any substantial modifications to the use or uses approved in the previous application must meet all currently applicable standards in this Title and the modified project must be found consistent with the General Plan then applicable. No building or other development permit shall be granted under this subsection after June 8, 1991, and no permit issued under this subsection may be extended for more than one 180-day period which begins after June 8, 1991.

Notwithstanding the above, no building or grading permits shall be issued under this subsection which are inconsistent with the County open space plan as expressed in the then applicable General Plan.

(b) Building permits (for other than single family residential uses) for which construction plans had been submitted and fees had been paid prior to June 12, 1989 shall not be subject to the requirement that the use or uses requested be allowed in the current land use district or that the use or uses meet the currently applicable development standards contained in this Title. Provided, however, that the land use proposed must be of the same fundamental land use category (e.g. multiple family residential, commercial, industrial, agricultural) as that designated in the 1989 revised General Plan.

Any significant modification of the proposed structure or land use submitted prior to June 12, 1989 shall not be permitted without full compliance with the currently applicable General Plan and Development Code.

All permits issued under this Subsection must be issued prior to December 9, 1989.

(c) The expiration date of land use applications, other than land use district changes or general plan amendments, which were approved prior to June 9, 1989, may be extended under Section 83.010350 for the period which would otherwise be allowed under that section, but in no event beyond June 9, 1991, without satisfying the requirement that such extensions be found consistent with the General Plan as is required under Section 83.010350(c). This subsection shall apply only to those approvals which expire between June 9, 1989 and December 31, 1989. Applications which are found to be consistent with the then applicable General Plan may be granted the maximum extension allowed under this Code without regard to the above limitations.

Readopted Ordinance 3341 (1989); Amended Ordinance 3374 (1990); Amended Ordinance 3425 (1990)